

TITLE 326 AIR POLLUTION CONTROL BOARD

#98-134(APCB)

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from September 1, 1998, through September 30, 1998 on IDEM's draft rule language. IDEM received comments from the following parties:

Save the Dunes Council	(SDC)
Specialty Equipment Market Association	(SEMA)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: We are concerned that the four-year exemption may be too long, and would suggest in its place a three year exemption. A three year time frame would mean that high-mileage cars that may encounter problems with their emission control systems would be discovered and the problems corrected one year sooner than in the proposed plan. There does not appear to be any mileage information gathered during the first year of enhanced inspection, which we believe may have a direct bearing on emissions. (SDC)

Response: Test records indicate that motor vehicles four (4) years old have a failure rate of one and forty-three hundredths (1.43) percent compared to failure rates of seventy-eight hundredths (0.78), thirty-four hundredths (0.34), and sixteen hundredths (0.16) percent for cars three (3), two (2), and one (1) year old, respectively. While vehicle miles driven contribute to emission levels, the failure rate for any car four (4) years old or newer is extremely low. Further, 1996 model year vehicles and newer, equipped with second generation on-board diagnostic (OBDII) computers, record and alert I/M technicians of excessive emissions or faulty emission control components. At the same time, malfunction indicator lights (MILs) alert owners of the need to check the engine for the reason for the malfunction.

While the collection of mileage data is not currently mandatory, it is customarily collected. IDEM is working to use this information effectively as part of the vehicle emissions program.

Comment: The impact on air quality from substituting the shortened test for the longer test is not explained satisfactorily. How do results from the I/M 240 vehicle emissions test compare to those of the I/M 93 vehicle emissions test? Second, since IDEM is keeping the two tests available, when will the more intensive test be used? (SDC)

Response: IDEM is currently conducting a more formal correlation study to compare the I/M 240 and the I/M 93 vehicle emissions tests in order to demonstrate that the shortened duration test is as effective in identifying vehicles with excessive emissions. Failure rates for the Wisconsin

vehicle emission check, which runs a similar vehicle emission program using I/M 240 instead, are comparable to the failure rate for Indiana's I/M 93 program. Test data from 1997 shows a failure rate of two and six tenths (2.6) percent for model year vehicles 1991 and newer in Indiana compared to three (3.0) percent in Wisconsin. Further, model year vehicles 1987 through 1990 had a failure rate of nine and seven tenths (9.7) percent in Indiana compared to a failure rate of ten (10.0) percent in Wisconsin.

Based on the conclusion that the shorter test provides comparable test results to the I/M 240 vehicle emissions test, using the I/M 93 test as part of Indiana's vehicle emissions test provides motorists with an effective vehicle emissions testing program that is significantly more convenient. Both I/M 240 and I/M 93 testing requirements are provided in the draft rule. If IDEM determines that the I/M 93 test is significantly less effective, or if U.S. EPA determines that the I/M 93 vehicle emissions test is not adequate, then the ability to test under the provisions of the I/M 240 vehicle emissions test is still an option.

Comment: The elimination of the requirement for inspection of a used vehicle purchased for use in Lake and Porter Counties does not seem to take into account that these vehicles may come from elsewhere in the state or from outside the state. (SDC)

Response: Indiana's program currently provides for vehicle emissions testing every two years. While some used cars may come from outside the vehicle emissions testing area, many do not. The proposed amendment would still require that all cars be tested within that two year time-frame instead of immediately upon registration in one of the four affected counties.

Comment: The requirement that repairs needed to meet the motor vehicle emissions standard must be performed at a "certified I/M emission repair facility" appears to be new. Has this program actually been established, as the draft rule provision is not yet effective? Second, will IDEM be responsible for setting up and inspecting the certified emission repair facilities? (SDC)

Response: The proposed amendments at 326 IAC 13-1.1-10 do not create a new requirement. The existing rule requires that repairs be performed by a certified repair technician in order to be considered in a waiver request. Since the enhanced I/M program began, IDEM has been working with local repair technicians to help them obtain necessary training, administering certification tests, inspecting repair shops, and maintaining a list of certified technicians that is made available to motorists. The proposed amendments clarify what is required by a repair shop and technician to become I/M certified and makes clear that IDEM can rescind certification from a repair technician if he or she does not maintain the training or equipment requirements.

Comment: At 326 IAC 13-1.1-9(a), the second sentence should be amended to read as follows: The motor vehicle shall be inspected for the presence and good operating condition of emission control devices included in the certified engine configuration for the engine present. Indiana regulations should allow emissions inspections that recognize emission control devices that were part of a certified engine configuration, whether or not it was the original manufacturer's

configuration. (SEMA)

Response: IDEM believes the existing language is sufficient and appropriate to allow certified inspectors to visually confirm, at a minimum, that correct emission control equipment is in place and intact.

Comment: 326 IAC 13-1.1-9(b) does not accommodate vehicles currently being manufactured which are California certified, but are also acceptable for distribution in the other 49 states. These vehicles include California off-set vehicles and will soon include Low Emission Vehicles (LEVs) as well. (SEMA)

Response: The existing language is sufficient because, as intended, it addresses the differences between gasoline and diesel powered motor vehicles, heavy-duty and light-duty vehicles, and the conversion of gasoline powered motor vehicles to alternative fuel powered vehicles.